IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1457 OF 2004

Devtaprasad Babulnath Upadhaya.] .. Petitioner

Versus

1. The Municipal Corporation of Greater Bombay & Anr.] .. Respondents

Mr. Hemant Ghadigaonkar i/b Mr. A.G. Damle for the petitioner.

Mrs. P.A. Purandare for respondent No.1.

CORAM: R.M. LODHA &
A.S. BAGGA, JJ.

DATED: 07TH JUNE, 2006

P.C. :

. Heard Mr. Hemant Ghadigaonkar, the counsel for the petitioner. We perused the Notice under Section 314 of the M.M.C. Act. It appears that in response to the Notice, reply was filed by the petitioner alongwith documents. The petitioner, in support of the reply, relied upon four documents viz. (1) Ration Card dated 27th May, 1967, (2) Election Identity Card dated 16th January, 1995, (3) Telephone bill dated 8th August, 2003 and (4) Electricity bill of December 2003. None of the documents proves that the subject temple is authorised.

As a matter of fact, the temple is situated within the sanctioned road line and has to be treated as unauthorised temple. The authority has passed a speaking order that does not suffer from any error of law.

2. Writ Petition is dismissed in limine.

Sd/-
[R.M. LODHA, J.]

Sd/-
[A.S. BAGGA, J.]